CHILD & FAMILY SERVICES
REVIEW BOARD

CUSTODY
REVIEW BOARD

Annual Report

2008–2009

Child and Family Services Review Board
Custody Review Board

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September 2009

The Honourable Deb Matthews
Minister of Children and Youth Services
56 Wellesley St. W, 14th Floor
Toronto, ON M5S 2S3

Dear Minister Matthews:

It is my pleasure to present to you the Child and Family Services Review Board and Custody Review Board's annual report for the period of April 1, 2008 to March 31, 2009.

I would like to take this opportunity to thank your office and the office of the Deputy Minister for your support and assistance.

Regards,

Suzanne Gilbert

Suzanne Gilbert
Chair

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I am pleased to present the 2008-2009 Annual Report of the Child and Family Services Review Board (CFSRB) and Custody Review Board (CRB)[1]. This was another exciting year where the Board continued to make great strides in building a solid foundation for an efficient administrative tribunal with a high standard in its adjudicative functions. The main focus of this year was to complete and implement many projects that were started in 2007-2008.

The Board has moved into the 21st century with the implementation of a case management system and the launching of its new website. The Board is no longer relying on manual processes to manage all aspects of its work and the public can now access clear and detailed information on the Board's website.

Most importantly, the website provides a direct link to Board decisions that are posted on the Canadian Legal Information Institute's (Canlii) website. I am proud to report that the Board posted 180 decisions by the end of this fiscal year.

The most notable initiative was the creation of our settlement facilitation (mediation) program. A formal settlement facilitation process began in July 2008. This program has fundamentally improved Board processes and enhanced the Board's ability to assist parties to resolve complaints and concerns in a more meaningful way. More information about the settlement facilitation program and other projects and programs that were started or completed in 2008-2009 will be found in the body of this report.

In conclusion, I want to thank Board members and staff for their dedication and hard work. I would also like to extend a special thank you to Maryanne Downes for preparing this report.

Suzanne Gilbert
Chair

[1] CFSRB and CRB are referred to collectively and individually as the Board.

This Year's Highlights

The 2008-2009 fiscal year marks the second full year of our expanded mandate as the independent adjudicative body responsible for reviewing and hearing applications related to amendments to the *Child and Family Services Act (CFSA)* in November 2006. This fiscal year also saw another change to our mandate that resulted from amendments to the *Education Act* in February 2008 and that replaced the *Safe Schools Act* 2000.

In order to modernize and improve the Board's adjudicative and administrative structures, much of this year's activity focused on implementing major initiatives that were still in their developmental stages in 2007-2008. Some of these projects included the implementation of a settlement facilitation program, case management system and an in-depth review of the first full year of implementation of the amendments to the *CFSA*.

Volume of Work

In this fiscal year, the Board experienced a slight decrease in its volume of work. This decrease resulted from the Board's loss of jurisdiction to review applications related to adoption information disclosure following the Superior Court's ruling in September 2007 that declared certain sections of the *Vital Statistics Act* unconstitutional. This change in mandate translated into a 9% decrease in the overall number of applications. At the same time, the number of applications related to complaints against children's aid societies for sections 68 and 68.1 of the *CFSA* increased by approximately 45%.

The following chart provides a summary of Board applications for the last two fiscal years.

Applications	2007-2008	2008-2009
Child and Family Services Act – Review of certain CAS decisions and complaints	171	214
Child and Family Services Act – Review of Emergency Secure Treatment admissions	21	34
Child and Family Services Act – Review of Residential Placement Advisory Committee recommendations	3	4
Education Act – Appeals of School Board Expulsion decisions	10	25
Vital Statistics Act – Applications for an Order to Prohibit the Disclosure of Adoption Related information	100	0
Intercountry Adoption Act – Review of a Director's Refusal to Approve a Person to Adopt or to Approve an Intercounty Adoption Placement	0	1
Child and Family Services Act / Ministry of Correctional Services Act – Review of Decision by a Provincial Director Regarding the Placement of a Youth in Custody	72	65
Total	**377**	**343**

The Board also experienced a significant increase in the number of emergency secure treatment applications and school board expulsion applications. Emergency secure treatment applications increased by approximately 60% and there was a 150% increase in the number of school board expulsion applications. Considering the number of school expulsions in Ontario, the Board projected that the number of school board expulsion applications would increase due to amendments to the *Education Act* on February 1, 2008. These amendments not only revoked the principal's authority to expel a student, but also made it mandatory for school boards and school authorities to advise students, parents or guardians of their right to appeal all school board expulsion decisions to the Child and Family Services Review Board.

The overall number of applications that proceeded to a hearing decreased from 87 in 2007-2008 to 78 in 2008-2009. This decrease is partly explained by the implementation of the Board's settlement facilitation program in July 2008. The jurisdiction of the Board was challenged in 28% of all applications compared to 45% in 2007-2008. The length of a hearing varied from one to six days. In addition, the number of pre-hearings, which included settlement facilitation conferences or teleconferences in 2008-2009, increased from 94 to 130. As 44 applications were closed as settled at the pre-hearing stage, it is apparent that there would have been a significant increase in the number of hearings without the implementation of the settlement facilitation program. The applications and hearings related to sections 61, 68 and 144 of the *CFSA* were complex and continued to require a great deal of staff contact with both applicants and respondents.

Adjudicative Functions

BOARD MEMBERS

The Board recruited and trained three part-time Board members in 2008-2009. Six Board members were re-appointed in this fiscal year. A full-time Vice-Chair was cross-appointed from the Human Rights Tribunal. Board membership included one full-time Chair, three full-time Vice-Chairs and 23 part-time Board members over the course of this fiscal year. All Board members are also appointed to the Custody Review Board.

In this fiscal year, a concerted effort was made to ensure that panels were comprised of Board members who have professional experience related to the type of application being heard. Panels often included Board members with a professional background in the legal, social work, mental health and education fields.

SETTLEMENT FACILITATION PROGRAM

As part of the Board's hearing process for complaints made under sections 68 and 68.1 of the *CFSA*, a settlement facilitation program (mediation) was implemented in July 2008. This program provides an opportunity for applicants and children's aid societies to participate in settlement discussions at the pre-hearing stage. Settlement facilitation is a voluntary process used to assist the parties to arrive at a mutually agreed upon outcome. This model is consistent with alternative dispute resolution models used in Ontario's administrative tribunals and courts to settle matters in a non-adversarial manner and may reduce costs to the parties.

A committee of Board members developed a framework for the settlement facilitation program. A guide and procedures were developed to support Board members in their work and to ensure consistency when conducting settlement facilitation conferences. Prior to implementing the program, the Board met with the Ontario Association of Children's Aid Societies (OACAS) to explain the program and to obtain their input. An experienced mediator provided four days of training in April and June 2008 to a specific group of Board members. Board members were mentored throughout the implementation stage. Training is ongoing and included an additional day of training in January 2009.

Based on an eight month review of the settlement facilitation program, the Board has observed that parties are actively participating in settlement facilitation. Feedback received from surveys showed that participants overwhelmingly found the settlement facilitation process to be a positive experience in helping to resolve concerns and issues. The Board also believes that settlement facilitation improves communication between the parties. Considering the large number of applications that settled and the fact that parties appreciated the opportunity to openly discuss issues and concerns, the Board concludes that the settlement facilitation program has been a positive and successful initiative. It is anticipated that the settlement facilitation program will be a permanent part of Board processes.

REVIEW OF THE *CFSA*

As the Ministry will embark on its mandated review of the *CFSA* in the coming fiscal year, the Board has created a committee of Board members to make recommendations to amend the *Act* and *Regulations* in order to improve the efficiency of the Board's work. Some of the issues and trends that were identified in a review of the first full year of implementation of the 2006 amendments to the *CFSA* will be used to make recommendations to the Ministry of Children and Youth Services (MCYS).

TRAINING

In June and August 2008, the Board provided three days of training on all areas of the Board's mandate for four new members.

All Board members participated in one general training session. Staff was invited for part of this training session. In total, three days of general training were organized in October 2008. Training topics included the settlement facilitation program, code of conduct, decision writing, legal updates and conduct of a hearing. A conduct of hearing guide was developed and provided to Board members. Training was also provided on understanding and working with people with mental health needs. This annual general meeting concluded with a brainstorming session to determine future professional development needs.

PARTNERSHIPS

The Board would like to again acknowledge the cooperation and involvement of the Office of the Children's Lawyer (OCL). The OCL represented children before the Board for applications under sections 36, 61 and 124 of the *CFSA*. While the OCL has a legal mandate to represent children at emergency secure treatment hearings under s. 124, the OCL is not legally required to represent children at other Board hearings.

Following a meeting with the Child Advocate in March 2009, the Board will be further developing an ongoing partnership and relationship with the Office of the Provincial Advocate for Children and Youth. The Board will be conducting a training session for its staff on the Board's mandate in June 2009.

Operational Support to Adjudicative Functions

STAFF

The Board continues to require a highly skilled and knowledgeable workforce in order to manage the complexity and volume of applications, while providing excellent customer service. Staff is trained to handle all aspects of case management, as well as to provide administrative support to the Board. It is the Board's priority that people are treated with courtesy and respect and that applications are processed and reviewed in a timely manner. Policies, procedures, templates and workflow processes are in place to support the ongoing work of the Board.

In this fiscal year, the Board's administrative staff consisted mostly of a temporary workforce. This model continued to present significant challenges as a result of staff turnover. Two business cases were completed to address the Board's staffing and financial resources. The Ministry of Children and Youth Services will be further reviewing the Board's staffing and financial needs in 2009-2010. The Board urgently requires a permanent staffing model to manage and stabilize the ongoing operations of the Board.

Accountability

The Board is accountable to the Government in exercising its mandate and is funded by MCYS and Ministry of Education (MEDU). A Memorandum of Understanding accompanied by a Letter of Agreement with MEDU was completed in 2007-2008 and revised in 2008-2009. The Memorandum of Understanding and Letter of Agreement are still in the final stages of approval by MCYS.

A strategic planning process was completed and a three-year business plan was presented to MCYS in June 2008. This plan is also in the final stages of approval by MCYS.

Modernization

CASE MANAGEMENT SYSTEM

The Board implemented the first phase of an automated case management system in 2008-2009. This system has replaced many manual practices that were used to manage all aspects of its operations. Staff was involved in customizing the computer software to meet the Board's needs and staff was trained to use the system. This automated support has enhanced such business areas as intake processing, case queries, scheduling and document management. It has also improved the Board's ability to provide timelier and more accurate statistical analysis and reports. It is anticipated that the second phase of the case management system will be operational in October 2009.

WEBSITE

The Board launched its website in June 2008 after spending a considerable amount of time developing and designing its content. The website is necessary to communicate with the public and provides information about the Board's mandate, details of how to submit an application and information about Board processes and procedures. The website is updated on a regular basis to ensure that information is current. Additionally, the website supports the Board's goal to be open and transparent to the public and provides links to government-related services. Most importantly, the website provides a direct link to Board decisions. All identifying information is removed from Board decisions prior to posting them on the Canadian Legal Information Institute's (Canlii) website.

The Board has received positive feedback from stakeholders about the quality of information provided on the website. It has been reported that the website is easy to navigate and helpful in providing a clear understanding of the Board's work and processes.

Who We Are

In 2008-2009, the Board was comprised of 27 Board members and was supported by a team of 13 administrative staff. Due to resignations and the expiry of appointments, the actual number of Board members was reduced to 23 by the end of the fiscal year. As a result of reorganization, administrative staff also decreased from 13 to 11 positions over the course of the fiscal year.

Board members come from a variety of backgrounds in the legal, social services, mental health and education fields. The Board's membership is diverse, with representation from many different communities. Bilingual Board members are available to conduct hearings in both official languages.

The *CFSA* has set out the following requirements to become a Board member:

- A degree, diploma or certificate granted by a university or other post-secondary institution authorized to grant such credentials in Ontario or equivalent qualifications, as determined by the Chair of the Board, and at least one year's experience working in or volunteering in children's services or social services; or
- At least five years' experience working in or volunteering in children's services or social services.

In order to become a Board member, potential candidates submit an application to the Public Appointments Secretariat. The selection process for both Boards includes a review of applications to determine if candidates meet the requirements, followed by structured interviews.

The Board Chair recommends candidates to the Minister of Children and Youth Services for consideration. Board members are appointed by the Lieutenant Governor in Council for terms of two, three and five years.

The Board will continue to work with the Public Appointments Secretariat regarding recruitment of members to ensure its capacity to manage the volume of work.

The Board now has a clearer understanding of the profile and number of Board members required to meet its needs. It has been determined that Board members require extensive knowledge and experience in the legal, social services, mental health and education fields. With the implementation of the settlement facilitation program, mediation skills and experience are also required.

CFSRB / CRB Organizational Chart

The following chart represents the organizational structure of the Child and Family Services Review Board and Custody Review Board, for 2008-2009.

CHAIR

Suzanne Gilbert

Chief Executive Officer
Overall Agency Authority

EXECUTIVE ASSISTANT

Supports the Office of the Chair

VICE CHAIRS

*Denyse Diaz

Ruth Ann Schedlich

Jennifer Scott

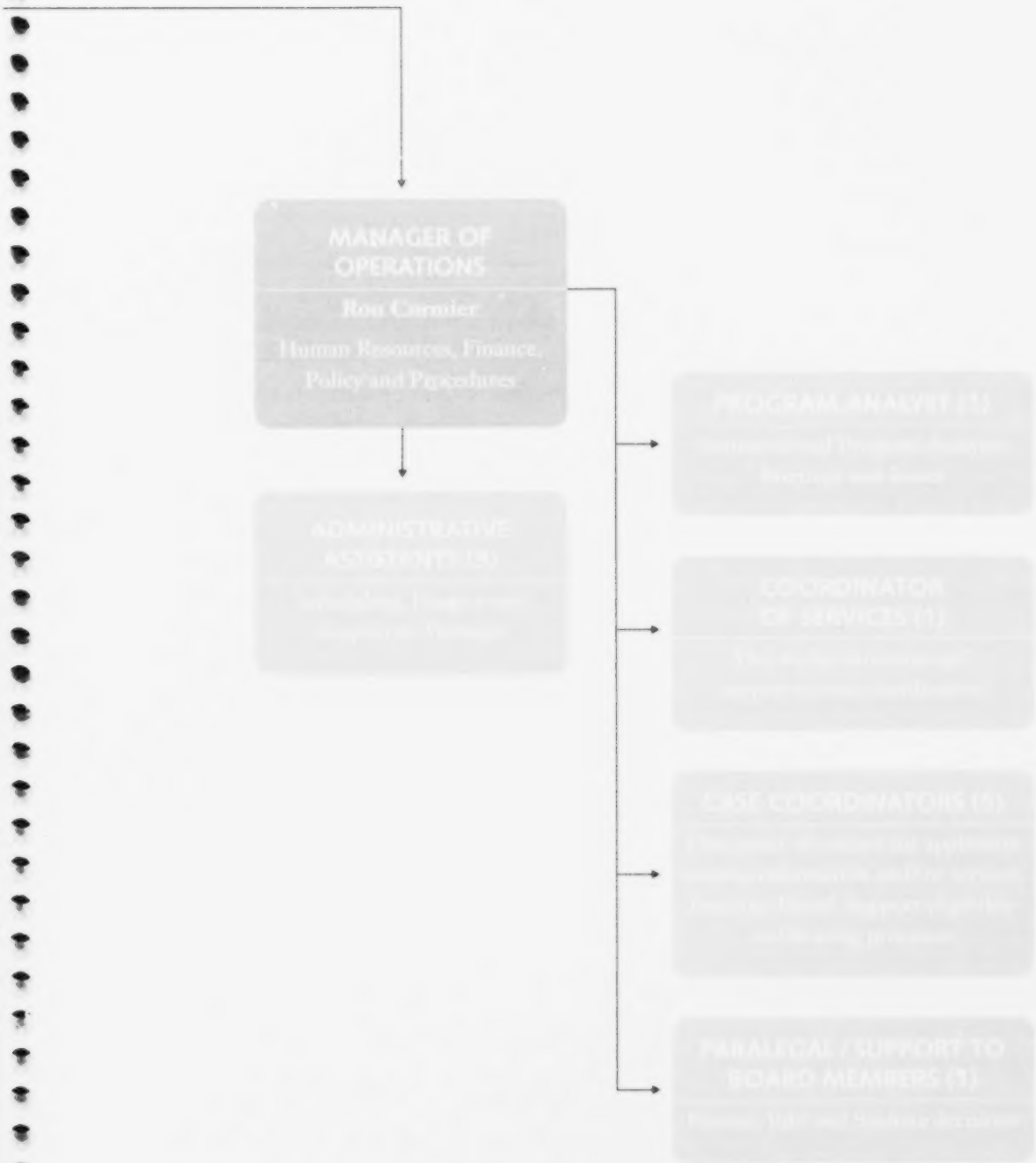
*Became a part-time member in this fiscal year

Support Adjudicative Functions

BOARD MEMBERS
2008-2009 (part-time)

Donald Butler
Brian Cohen
Celia Denov
*Gilda Dokuchie
Patrick Doran
John Gates
Heather Gibbs
Gail Gonda
Aida Graff
David Griffiths
Heather Hunter
Lorna King
Alina Lazor
Richard Linley
Gregory Price
*Walter Rogers
Nycole Roy
Frances Sanderson
Sheena Scott
*Fizul Sima
*Deborah Simon
Wendell White
Mary Wong

*Board members who left the Board in this fiscal year.


MANAGER OF OPERATIONS
Ron Cormier
Human Resources, Finance, Policy and Procedures
ADMINISTRATIVE ASSISTANTS (3)
PROGRAM ANALYST (1)
COORDINATOR OF SERVICES (1)
CASE COORDINATORS (5)
PARALEGAL / SUPPORT TO BOARD MEMBERS (1)

What We Do

Child and Family Services Review Board

The Board's legislative responsibilities continue to be wide and varied as reflected by the different pieces of legislation summarized below:

UNDER THE *CHILD AND FAMILY SERVICES ACT*, THE CFSRB IS MANDATED TO REVIEW:

- Residential placements of children in care pursuant to s.36;
- A children's aid society decision to remove a Crown ward, where the child has resided continuously with the foster parent for two years or more pursuant to s.61;
- Certain client complaints related to children's aid societies pursuant to s.68 and s.68.1;
- Emergency admission of a child to a secure treatment program pursuant to s.124;
- A Director's decision to refuse to approve a proposed adoption placement, or to impose a term or condition on an approval pursuant to s.142;
- A decision of a children's aid society to refuse an application to adopt a particular child or a decision of a society or licensee to remove a child from an adoption placement pursuant to s.144.

UNDER THE *EDUCATION ACT*, THE BOARD HEARS APPEALS OF:

- School Board expulsion decisions pursuant to s.311.7.

UNDER THE *INTERCOUNTRY ADOPTION ACT, 1998*, THE BOARD REVIEWS:

- A Director's refusal to approve a person as eligible and suitable to adopt for the purpose of an intercountry adoption or the attachment of conditions to a Director's approval pursuant to s.5.
- A Director's refusal to approve a proposed intercountry adoption or the attachment of conditions to a Director's approval pursuant to s.6.

Custody Review Board

The Custody Review Board hears applications and makes recommendations to Provincial Directors who make decisions with respect to youth in custody regarding the following:

UNDER THE *MINISTRY OF CORRECTIONAL SERVICES ACT*:

Pursuant to s.52(1):

- A Provincial Director's decision to hold a young person in or transfer the young person to a maximum security facility;
- A decision about a particular placement where a young person is being held, or to which the young person has been transferred;
- A Provincial Director's refusal to authorize a young person's temporary release or reintegration leave.

UNDER THE *CHILD AND FAMILY SERVICES ACT*:

Pursuant to s.97(1):

- A particular placement where a young person is being held or to which the young person has been transferred;
- A Provincial Director's refusal to authorize the young person's temporary release or reintegration leave;
- The young person's transfer from a place of open custody to a place of secure custody.

Child and Family Services Review Board

The following information provides the Board's statistics for each type of application, as well as analysis and comments. It is noted that some applications are finalized over two fiscal years and this may result in statistics that do not consistently balance. Please refer to the appendix to find a description of each type of application.

The number of applications decreased from 14 in the last fiscal year to 12 in 2008-2009.

Applications Received	12
Eligible Applications	11
Ineligible Applications	1
Pre-Hearings	4
Hearings	6
Decisions Issued	6
Applications Withdrawn	5
File Closed due to No Contact	1

- Six oral hearings were conducted over 15 hearing days.
- Of the six decisions issued, the children's aid society's decision was confirmed in three applications and rescinded in three applications.
- Five applications were withdrawn prior to a hearing. The Board was informed that the matter was settled in one application and in two applications the children's aid society decided to change their decision in regard to the proposed removal of the child(ren).
- One application was closed due to lack of contact with the applicant.
- Three applications involved Native children and the Band exercised its statutory right to participate as a party in two applications.
- Children were represented by the Office of the Children's Lawyer in six applications.

The number of section 61 applications and hearings remained constant in this fiscal year, while the actual number of hearing days increased from ten in 2007-2008 to fifteen in 2008-2009. In October 2009, the Board made a decision to conduct pre-hearings within six days of receiving a section 61 application. This decision was made to obtain a clear understanding of the issues to be addressed at a hearing, to address any issues relating to disclosure and to more accurately determine the number of days required for a hearing. This procedure will hopefully reduce the number of adjournments to continue hearings at a later date.

The Board heard section 61 applications when the removal of a Crown ward had already taken place and the legally required written notice of the proposed removal had not been provided to the foster parents. The Board also heard applications from foster parents who had their foster care contract terminated by a children's aid society immediately after the society issued the written notice. The Board determined that it had jurisdiction if the applicant was a foster parent at the time the written notice was issued.

The Board inquired as to whether or not the Ministry of Children and Youth Services is monitoring children's aid societies for compliance with the legal requirement to provide written notice of proposed removals to foster parents and inform foster parents of their right to have this decision reviewed by the CFSRB. The Board proposed that these requirements could be monitored for compliance through the annual Crown ward review of children's aid societies.

The number of applications decreased from 18 in the last fiscal year to eight in 2008-2009.

Applications Received	8
Eligible Applications	8
Ineligible Applications	0
Pre-Hearings	6
Hearings	3
Decisions Issued	3
Applications Withdrawn	3

- Three oral hearings were conducted over five hearing days.
- Of the three decisions issued, the Board determined on a preliminary motion that it had jurisdiction in one application and the children's aid society's decision was confirmed in two applications.
- Of the three applications that were withdrawn, one application was withdrawn at a hearing and one application was withdrawn after a pre-hearing due to a settlement between the parties.
- One application was also settled as a result of a settlement facilitation conference.
- Two applications involved Native children and the Band exercised its statutory right to participate as a party in one application.
- Children were not represented by the Office of the Children's Lawyer in any of the applications.

There was a significant decrease in the number of section 144 applications and hearings in 2008-2009. In October 2009, the Board made a decision to conduct a pre-hearing within six days of receiving a section 61 application. The Board will be inquiring as to whether or not the Ministry collects information in regard to the number of children who are removed from prospective adoptive parents or the number of adoption applications that are refused by children's aid societies. The Board will also be seeking information about whether or not the Ministry monitors children's aid societies for compliance in providing the legally required written notices to prospective adoptive parents and informing them of their right to review refusals of adoption applications or removal of a child from prospective adoptive parents.

In October 2009, the Board made a decision to conduct pre-hearings within six days of receiving a section 144 application. This decision was made to obtain a clear understanding of the issues to be addressed at a hearing, to address any issues relating to disclosure and to more accurately determine the number of days required for a hearing. This procedure will hopefully reduce the number of adjournments to continue hearings at a later date.

Consistent with last fiscal year, all of the applications challenged decisions made by children's aid societies. There were no applications requesting a review of decisions made by licensees. With the exception of one application where the child was removed from prospective adoptive parents, all applications involved the refusal of an adoption application for a particular child.

In one case, the Board's decision on jurisdiction was judicially reviewed. Although the Court disagreed with the Board's determination that the child had been placed for adoption and overturned the Board's decision on this basis, it was critical of the society's failure to follow legislative requirements for placing a child for adoption.

The number of applications increased from 139 in the last fiscal year to 194 in 2008-2009.

Applications Received	194
Eligible Applications	148
Ineligible Applications	36
Decisions to Proceed to Oral Hearing	132
Written Reviews	8
Pre-Hearings (includes settlement facilitation conferences)	112
Hearings (Applications that proceeded to a hearing)	39
Decisions Issued	51
Applications Withdrawn	25
Files Closed due to No Contact	29

Thirty-nine applications proceeded to a hearing in this fiscal year and fifty-three hearing days were completed. This included applications that were received in 2008-2009 as well as applications that were received in 2007-2008 and that were heard in this fiscal year.

The Board's jurisdiction was challenged in 22 (56%) of the 39 applications that proceeded to a hearing. After a hearing, the Board determined that it did not have jurisdiction in three applications.

Fifty-one decisions were issued in 2008-2009. Twelve decisions were issued on jurisdiction only. In 10 cases, the application was dismissed. Orders were made in favour of applicants in 25 cases. In four cases, the application was granted but no order was required.

Eighty applications were scheduled for settlement facilitation. Settlement facilitation actually occurred in 73 applications. A settlement agreement was reached in 60 of the 73 applications (82%). In 11 applications (15%) a settlement agreement was not reached and the application proceeded to an oral hearing. Forty-two of the 60 applications (69%) where a settlement agreement was reached were closed as settled in this fiscal year. In 19 applications, implementation of settlement agreements will be finalized in 2009-2010.

Of the 25 applications that were withdrawn, two applications were withdrawn due to a settlement between the parties. Both applications were settled after a pre-hearing teleconference was completed.

Twenty-nine applications were closed due to no contact between the applicant and the Board. In 15 applications, applicants did not respond to the Board when further information was requested to determine if an application was eligible for review.

In summary, 44 applications were settled after either a pre-hearing or settlement facilitation conference was conducted, 51 reasons for decisions on jurisdiction and/or merits, 8 written reviews and 116 pre-hearing reports were issued in this fiscal year.

While there was a 45% increase in the number of section 68 applications in this fiscal year, the number of applications that proceeded to a hearing decreased from 50 in 2007-2008 to 39 in 2008-2009. This decrease is due to the settlement facilitation program. Had the Board not developed its settlement facilitation program, there would have been a significant increase in the number of hearings. The number of ineligible applications remained constant at approximately 20%.

The Board's jurisdiction was challenged at a hearing in 56% of applications compared to 75% of applications in 2007-2008. Children's aid societies challenged the Board's jurisdiction primarily on the ground that the subject matter of the complaint was before the court. The decrease in the number of jurisdictional challenges may be attributed to the settlement facilitation program.

Children's aid societies were active participants in the settlement facilitation process even when they argued in summary replies that the Board did not have jurisdiction. Applicants also actively participated in the process and were satisfied with the outcome. The settlement facilitation program has reduced the number of oral hearings and finalized applications in a timelier manner. However, the time for finalizing an application is lengthened if an application is not settled and proceeds to a hearing.

Settlement facilitation allowed parties to achieve a resolution and agree on various terms in settlement agreements. Terms of settlement agreements often included issues or concerns regarding child protection investigations and ongoing services being provided to children and families. Terms also included ways of improving communication between parties, allowing full or partial file disclosure, addressing complaints about caseworkers as well as access issues/arrangements between children and parents.

Consistent with last year, the majority of the applications (92%) were a direct complaint to the Board. Very few applicants requested a review of a decision made by a children's aid society's Internal Complaint Review Panel (ICRP). The Board does not have information to assess the reasons for the very low number of applications to review a society's decision following an ICRP.

The reasons for dismissing applications at the written review stage were mainly that the matter was already decided by the Court or the society heard the applicant's complaint and provided reasons for a decision. Written reviews were only completed when the facts were clear and there was no need for an oral hearing.

The Board issued more orders in 2008-2009. In the majority of applications, the Board ordered societies to provide written reasons for a decision to the applicant. The Board also ordered societies to proceed with the complaint or to comply with the complaint review procedure established by regulation. In one application, the Board ordered the society to place a Notice of Disagreement on an applicant's file.

Finally, many applicants are self-represented and children's aid societies are represented by counsel. Consequently, staff is required to spend a great deal of time assisting applicants through Board processes. Self-represented applicants also require assistance from Board members to ensure their full participation in the hearing process. The Board will review its processes to ensure that there are no barriers for self-represented applicants. Training on this topic will be prepared and delivered to Board members in 2009-2010.

As 29 cases were closed due to no contact, the Board will review certain processes to ensure that that they are not contributing to the Board's loss of contact with applicants. The Board recognizes that it may be difficult for many applicants to communicate their concerns in a written format and they may require alternate ways of expressing their complaints and concerns when the Board requires further information to proceed with an application.

Applications Received	1
Ineligible Application	1

This application was ineligible because in accordance with the *Intercountry Adoption Act*, a final decision was not made by the Director.

The number of school board expulsion applications increased from 10 in 2007-2008 to 25 in 2008-2009.

Applications Received	25
Ineligible Applications	2
Pre-Hearings	8
Hearings	13
Decisions Issued	11
Applications Withdrawn	9
No Contact	0

Thirteen hearings were held over 18 hearing days.

The Board confirmed the school board's decision in six applications and rescinded the school board's decision in five applications.

Of the nine applications that were withdrawn, eight applications were withdrawn due to a settlement between the parties. In three of these situations, a settlement occurred after a pre-hearing conference was held or during the hearing process.

There was a 150% increase in the number of applications in 2008-2009. The number of hearings also increased from 4 in 2007-2008 to 13 in this fiscal year. This increase in the number of applications and hearings may be related to the amendments to the *Education Act* that came into force in February 2008.

In October 2008, the Board made a decision to conduct pre-hearings within six days of receiving a school board expulsion application. This decision was made to obtain a clear understanding of the issues to be addressed at a hearing, to address any issues relating to disclosure and to more accurately determine the number of days required for a hearing. This procedure will hopefully reduce the number of adjournments to continue hearings at a later date.

The number of emergency secure treatment applications increased from 21 in 2007-2008 to 34 in 2008-2009.

Applications Received	34
Hearings	17
Decisions Issued	18
Applications Withdrawn	17

Of the 18 decisions that were issued, the Board denied the child's request for release in 14 applications and granted the child's request for release in 4 applications.

There are three emergency secure treatment facilities in Ontario. Consistent with last year, the majority of applications were received from children placed at Youthdale Treatment Centre.

Withdrawn applications continue to represent one half of the files. An application is often withdrawn at a late stage in the process and after a considerable amount of work was done in very short timelines.

A Board committee was convened to review the hearing process and to develop Rules of Procedure for emergency secure treatment applications. The committee will report its recommended changes to the Board in the next fiscal year.

The number of applications related to residential placements increased from three in 2007-2008 to four in 2008-2009.

Applications Received	4
Ineligible Applications	2
Hearings	1
Decisions Issued	1

The Board granted the child's request for transfer in the one application that proceeded to a hearing.

The Board conducted a settlement facilitation conference for one application and a settlement agreement was reached. Implementation of the settlement agreement will be finalized in 2009-2010.

In the one application that proceeded to a hearing, the child was represented by the Office of the Children's Lawyer.

The Board received information from MCYS about residential placement advisory committees in Ontario. The Ministry reported that children and youth are informed of their right to apply to the Board once they have had a residential placement advisory committee review. The Board will continue to follow up with the Ministry to obtain further information about the roles and responsibilities of residential placement advisory committees.

Custody Review Board

The CRB received 65 applications in 2008-2009, slightly lower than the 72 applications received in 2007-2008.

Applications Received	65
Hearings	0
No Jurisdiction	9
Applications Withdrawn/Resolved	25
Recommendations Issued	27

- The Board determined that it did not have jurisdiction to proceed with an application in 9 cases.
- 18 applications were withdrawn during the review process.
- The Board closed 7 files as the matter was resolved during the review process.
- Of the 27 recommendations issued, the Board confirmed the Provincial Director's decision in 22 applications and made other recommendations in 5 applications.
- 6 applications will be finalized in the 2009-2010 fiscal year.

The Board usually conducts an inquiry or review through telephone calls.

In 2008-2009, Custody Review Board communications materials were updated. Updated posters were mailed to all youth justice facilities in Ontario. The Board is in the process of revising and updating its pamphlet.

Bill 103 will come into force on April 1, 2009. With these amendments to the *Ministry of Correctional Services Act (MCSA)*, all Custody Review Board reviews will be conducted under the *CYSA*.

A committee composed of Board members and staff reviewed Board processes in regard to Custody Review Board applications and made recommendations to improve Board processes.

Financial Report

The total operating expenditures for the Child and Family Services Review Board and the Custody Review Board was $2,325,000 in 2008-2009.

The Ministry of Children and Youth Services provided approximately $2,124,000 or 90% of the total Board funding. The Ministry of Education transferred approximately $249,000, or 10% of the total funding to offset expenditures associated with school board expulsion applications.

The Ministry of Community and Social Services discontinued funding to the Board in 2008-2009 as it no longer had jurisdiction to hear adoption information disclosure applications. However, the Board's infrastructure requirements remained similar to those in 2007-2008 because the number of applications received in other areas of its jurisdiction had increased. Despite the loss of funding from MCSS, the Ministry of Children and Youth Services provided increased funding in 2008-2009 to meet the Board's expenditures.

Approximately 59% of the total 2008-2009 expenditures were related to salaries and benefits for staff and full-time Board members. Approximately 32% of the overall expenditures were related to Board member per diems, travel and other adjudicative costs. This included room rental for Board proceedings and additional costs associated with the implementation of a settlement facilitation (mediation) program. Assuming that the volume of applications will remain constant, it is anticipated that adjudicative costs will be reduced over time as a result of the Board's settlement facilitation program.

Summary of Funding & Expenditures

	2008-2009 Total (000s)	2007-2008 Total (000s)
FUNDING		
Ministry of Children and Youth Services	2,124	1,400
Ministry of Community and Social Services	-	1,200
OTHER FUNDING		
Ministry of Education*	249	143
Total Funding	**2,373**	**2,743**
EXPENDITURES		
Salaries & Wages	1,187	1,028
Benefits	180	133
Member Per Diems and Travel	636	577
Supplies and Services (e.g., telephone & communications, consultant services)	117	181
Other Expenses (e.g., hearing room rental, security, interpreter services, training)	116	133
Legal Services	31	161
Total Expenditure	2,325	2,149
Surplus / (Deficit)	**48**	**594**

* Note: Funding from the Ministry of Education is provided to the Child and Family Services Review Board through journal entry as expenses are incurred.

A Look to the Future

In the 2008-2009 fiscal year, the Board focused its attention on finalizing and implementing many initiatives to support the ongoing work of the Child and Family Services Review Board and Custody Review Board.

The 2009-2010 fiscal year will see the development of new projects to further enhance the Board's adjudicative and administrative functions. The Board will continue to improve its settlement facilitation program and will develop a code of ethics for this program. Current Board member performance appraisals will be revised, including the development of a specific performance appraisal for the settlement facilitation program.

Based on the Board's experience working with the current *Child and Family Services Act*, the Board will prepare recommendations to the Ministry regarding amendments to the *Act* and *Regulations* in order to improve the efficiency of some aspects of the Board's work.

Additionally, an emphasis will be placed on providing Board members with in-depth training on the legal requirements and Ministry standards of service for children's aid societies. The Board will also develop an outreach strategy to ensure that the community and stakeholders have a clear understanding of the Board's mandate. An approach to address self-represented applicants will be finalized. Reviews of the residential placement advisory committee applications and emergency secure treatment applications will also be completed.

Although the Board projects an increase in the volume of school board expulsion applications, it is believed that the overall volume of work will now stabilize. As such, the Ministry review of the Board's financial and staffing resources is welcomed. The Board looks forward to stabilizing its financial and staffing requirements. Stabilization of the organization is crucial not only for the efficiency of the operation, but also for the culture of the organization.

In the coming year, the Board will continue to improve its overall operation and will strive for a high quality of adjudicative excellence.

Board Members

SUZANNE GILBERT

Chair (October 2006 – October 2011)

Suzanne Gilbert was appointed full-time Chair of the Child and Family Services Review Board/Custody Review Board on October 18, 2006. Ms. Gilbert was reappointed in October 2008 for a three year term.

Ms. Gilbert is a lawyer and member of the Barreau du Quebec. She obtained a «Licence en droit» from the University of Montreal, and a Masters in Health Law from the University of Sherbrooke.

Ms. Gilbert has extensive experience in the practice of law especially as it relates to criminal law, youth protection, adoption matters and administrative law. She was appointed counsel for a large number of children in a Provincial Inquiry Commission that investigated allegations of sexual abuse involving staff in a group home. She has also acquired significant knowledge about public administration at both municipal and provincial levels.

Prior to joining the Board, Ms. Gilbert was Assistant Deputy Chair of the Toronto Office of the Immigration and Refugee Board of Canada (IRB), Refugee Protection Division. During her ten years with the IRB, Ms. Gilbert held positions as Member and Coordinating Member of the Refugee Protection Division.

RUTH ANN SCHEDLICH

Vice Chair (August 2001 – October 2012)

Ruth Ann Schedlich was appointed as a part-time Board member is August 2001 and full-time Vice-Chair of the Child and Family Services Review Board/Custody Review Board in February 2007. Ms. Schedlich served as a trustee on the Durham District School Board for eleven years and as Chair and Vice Chair of the Durham District School Board. She served as acting part-time Chair and Vice Chair of the Child and Family Services Review Board and the Custody Review Board. Ms. Schedlich was a Director on the Ontario Public School Board's Association, The Learning Partnership and the Community Development Council of Ajax/Pickering. She has also worked with primary, junior and intermediate children in treatment classes at Grove School in the Durham District School Board for six years.

JENNIFER SCOTT

Vice Chair (June 2008 – June 2010)

Jennifer Scott was appointed as a full-time Vice-Chair of the Child and Family Services Review Board/Custody Review Board in June 2008. Ms. Scott began her legal career in 1988 practicing corporate commercial litigation. In 1992, she became legal counsel to the Ontario Human Rights Commission and continued in that position until 1994. In 1994, Ms. Scott became the Director of Litigation with the Women's Legal Education and Action Fund (LEAF) and remained with LEAF over the next four years. In 1999, she opened her own law practice, specializing in administrative law. In private practice, Ms. Scott acted for regulatory bodies in professional misconduct cases and represented the Ontario and Canadian Human Rights Commissions before their respective human rights tribunals. She also represented parents and students before education tribunals. Ms. Scott was independent legal counsel to the Ontario Special Education (English) Tribunal from 2004 to 2006 and to the Child and Family Services Review Board from 2004 to May 2008. She has been a part-time member of the Human Rights Tribunal of Ontario since 2006 and a full-time vice-chair with the Child and Family Services Review Board since June 2008.

DONALD BUTLER

(December 2006 – December 2011)

Donald Butler was appointed as a part-time Board member in December 2006. Mr. Butler was reappointed in December 2008 for a three year term. Mr. Butler has been an Incumbent at The Church of the Nativity since 1991. Prior to this, Mr. Butler was an Assistant Priest at The Church of the Epiphany, a Priest at St. James' Cathedral, Senior Priest at St. John's Cathedral in Antigua and Associate Priest at St. Mary's Church in Belize. His community involvement includes working with Deans of Trinity College's ad hoc Committee on Theological Education of Blacks, The Black Anglican Coordinating Committee, and as the Community Chaplain at Scarborough Centenary Hospital.

BRIAN J. COHEN

(May 2007 – May 2009)

Brian Cohen was appointed as a part-time Board member in May 2007. Mr. Cohen is a Toronto lawyer focusing on health law, patient advocacy, administrative law and civil litigation. He acts for persons with disabilities such as visual and hearing impairment and received the "Young Lawyers' Pro Bono Service Award" from the Canadian Bar Association.

CELIA DENOV

(February 2007 – February 2012)

Celia Denov was appointed as a part-time Board member in February 2007. Ms. Denov was reappointed in February 2009 for a three year term. Ms. Denov has over thirty years of experience working in the fields of social services, health and women's issues. After working for the Ontario Public Service for 25 years, Ms. Denov retired at the level of Assistant Deputy Minister, Ministry of Community and Social Services in 2000. Ms. Denov was formerly a secondary school teacher in Tanzania with CUSO. Ms. Denov is currently working in public policy. She holds a Master of Social Work from the University of Toronto. Ms. Denov is an adjudicator with the Health Professions Appeal and Review Board of Ontario and was cross-appointed to the CFSRB/CRB.

DENYSE DIAZ

(October 2006 - October 2011)

Denyse Diaz was appointed as a part-time Vice-Chair in October 2006 and a full-time Vice-Chair of the Child and Family Services Review Board/ Custody Review Board in February 2007. Ms. Diaz was reappointed for a three year term in October 2008. Ms. Diaz resigned as a full-time Vice-Chair in December 2008 and became a part-time member in January 2009. Ms. Diaz practiced family law in the Durham Region and frequently appeared on behalf of the Office of the Children's Lawyer in custody/ access disputes and child protection matters.

Ms. Diaz holds a Bachelor of Science from the University of Toronto, a Master of Social Work from Wilfrid Laurier University and a Bachelor of Laws from Osgoode Hall Law School. Ms. Diaz continues to be an active member of the Ontario Legal Aid Plan, Area Committee in Oshawa and the Durham Region Law Association.

GILDA DOKUCHIE

(October 2005 –October 2008)

Gilda Dokuchie was appointed as a part-time Board member in October 2005. She is a Saulteaux from the Key First Nation community in Saskatchewan. She resided in the City of Thunder Bay since 1970 and was employed with Anishnawbe Mushkiki Mental Health Services. Ms. Dokuchie has ten years experience in the mental health profession as a counsellor and program coordinator. She previously worked for the Children's Aid Society developing programs for Aboriginal families.

PATRICK R. DORAN

(May 2007 – May 2009)

Patrick Doran was appointed as a part-time Board member in May 2007. Mr. Doran obtained a Bachelor of Arts in Philosophy from Ottawa University and a Master of Arts in Counselling and Education from Niagara University. A former Catholic Priest, he has worked with and organized many volunteer community and church groups such as the Food Bank, Friendship Centre, Women's Shelter and Community Centre. Mr. Doran was previously an adjudicator with the Immigration and Refugee Board for nine years. He is an adjudicator with the Social Benefits Tribunal and was cross-appointed to the CFSRB/CRB.

JOHN GATES

(October 2005 – October 2009)

John Gates was appointed as a part-time Board member in October 2005. Mr. Gates retired in 2004 following a 32-year career as a secondary school teacher. Throughout his career, Mr. Gates focused his community involvement in providing extra-curricular activities for youth in the fields of sports and recreation. He coached at both the school and community level and served on the Kincardine Recreation Board for four years, and the Ontario Municipal Recreation Association Board of Directors for 10 years where he earned the Lieutenant Governor's coveted Gold Corps d'Elit Award. Mr. Gates has instructed for the National Coaching Certification Program throughout southwestern Ontario, providing solid footing for new coaches in the basics of sportsmanship, fair play and equal opportunity for all participants. Since retirement Mr. Gates has assisted in a leadership role with the executive of the Kincardine Scottish Festival and with fund-raising efforts for the Women's House Serving Bruce & Grey.

HEATHER GIBBS

(July 2007 – July 2009)

Heather Gibbs was appointed as a part-time Board member in July 2007. Ms. Gibbs is a lawyer specializing in the area of administrative law. In addition to her appointment as a part-time member with the Child and Family Services Review Board and Custody Review Board, Ms. Gibbs has been a member of the Environmental Review Tribunal since September 2006. While a member of the Immigration and Refugee Board of Canada from 1998 to 2006, Ms. Gibbs participated on various committees, including developing policy with respect to vulnerable claimants, and member professional development. Prior to her tribunal work, Ms. Gibbs held various positions at the United Nations High Commissioner for Refugees in Canada and Africa, (1994-1998) and conducted training on gender-related persecution and child refugees. She practiced law (1993-1994), and conducted policy and legal research (1992-1993) for the Human Rights Research and Education Centre. Ms. Gibbs was an intern at the Inter-American Legal Services Institute in Bogota, Colombia, where she worked with Colombian lawyers in research and public legal education. She holds a Bachelor of Arts from the University of Western Ontario and a Bachelor of Laws from the University of Ottawa.

GAIL GONDA

(May 2007 – May 2009)

Gail Gonda was appointed as a part-time Board member in May 2007. Ms. Gonda recently retired from the Ontario Public Service following 20 years of service. From 1995 until 2006 she was the Administrator at Thistletown Regional Centre, a children's mental health centre directly operated by the Ministry of Children and Youth Services. She has also been active as a volunteer in a range of activities in support of sexual minorities. Ms. Gonda holds a Doctor of Philosophy in psychology and has worked in the field of children's mental health since 1980.

AIDA GRAFF

(June 2007 – June 2009)

Aida Graff was appointed as a part-time Board member in June 2007. Ms. Graff was Dean of Women at Victoria College, the University of Toronto, where she also taught English Literature. As a community activist, Ms. Graff was involved with equity issues and presided over the Coalition for Visible Minority Women whose mandate was to fight racism and inequity. She was also the president of the Board of the Arab Community Centre of Toronto, a social service agency.

Ms. Graff was appointed to the Ontario Human Rights Commission in 1994, and served on that Board until 1998. In 1998 she was an appointed Board member to the Immigration and Refugee Board, and served on it until 2006.

DAVID GRIFFITHS

(April 2006 – April 2009)

David Griffiths was appointed as a part-time Board member in April 2006. Mr. Griffiths holds a Bachelor of Science in Industrial and Manufacturing Systems Engineering and is currently a Program Manager with Symcor Inc. He is pursuing a part-time Master of Business Adminstration at the Schulich School of Business. Mr. Griffiths is a community pioneer who has been actively involved in community development initiatives for over 16 years. He is the former President of the Jamaican Canadian Association and is currently a member of the Toronto City Summit Alliance Steering Committee and Board member of Operation Black Vote Canada.

HEATHER HUNTER

(May 2008 – May 2010)

Heather Hunter was appointed as a part-time Board member in May 2008. For more than four decades Heather Hunter has been active as a successful consultant, CEO and Executive Director in the social service and health care environments. Her focus has been in the children's mental health, youth justice and developmental sectors. Ms. Hunter has extensive experience as well with the Province in the roles of Program Supervisor, Manager in Special Needs/Services and Policy Anaylst. Ms. Hunter is a graduate of McMaster University.

LORNA KING

(April 2006 – April 2009)

Lorna King was appointed as a part-time Board member in April 2006. Ms. King has held various sales and management positions in the hotel industry for twenty five years. Ms. King is an active member of the community, has volunteered extensively and is currently the President of P.A.C.E .(Canada).

ALINA LAZOR

(May 2008 – May 2010)

Dr. Alina Lazor was appointed as a part-time Board member in May 2008. Dr. Lazor is a child psychiatrist with over thirty five years experience dealing with children/adolescents with complex mental health problems and their families. For twenty-seven years she worked on the Adolescent Unit at the Whitby Mental Health Centre of which eighteen years were as the Director of Adolescent Services. Dr. Lazor is a strong advocate for children with mental health problems and their families. In her semi-retirement, she focuses on sychoeducation relating to mental health issues and she provides consultation, coaching, training, and workshops for mental health providers and professionals dealing with problematic children and their families.

RICHARD LINLEY

(December 2006 – December 2011)

Richard Linley was appointed as a part-time Board member in December 2006. Mr. Linley was reappointed in December 2008 for a three year term. Mr. Linley was called to the Ontario Bar in 1975 and since then, has practiced Criminal and Family Law, Real Estate, Wills and Trusts, and Private Corporation. Mr. Linley has served as a Municipal Councillor and as a Board member of the Board of Health, the Children's Aid Society and the Public Library. He holds a Bachelor of Arts from the University of Western Ontario and a Bachelor of Laws from the University of British Columbia.

GREGORY PRICE

(May 2007 – May 2009)

Gregory Price was appointed as a part-time Board member in May 2007. Mr. Price was called to the Ontario Bar in 1978 and has engaged in a general law practice since then with considerable time devoted to Family Law and Alternative Dispute Resolution as a mediator and arbitrator.

He has experience working in the adoption and child protection fields and has represented varied litigants at trial and on appeal. He holds a Bachelor of Arts from York University and a Bachelor of Laws from Osgoode Hall Law School, York University.

NYCOLE ROY

(May 2007 – May 2009)

Nycole Roy was appointed as a part-time Board member in May 2007. Ms. Roy obtained a Bachelor of Arts in Social Services from the University of Quebec in Hull and a Master of Arts Degree in Gestalt from Boston University. Before joining the Child and Family Services Review Board and the Custody Review Board in 2007, she worked as a Social Worker for the Youth Protection Sector in Hull, Quebec. In 1992, she accepted a position in Ottawa as a Program Development Adviser with Health Canada under the Family Violence Prevention Initiative. In 1994, she was appointed as a Board member with the Immigration and Refugee Board (IRB) in Montréal. In 1996, she was promoted to Coordinator within the IRB. In 2000, she was transferred to the Ottawa District office of the IRB.

WALTER ROGERS

(July 2005 – July 2008)

Walter Rogers was appointed as a part-time Board member in July 2005. Mr. Rogers has over 30 years experience as a Social Worker and is currently a Case Manager at the South West Community Access Centre (Elgin) in the department of Community & School/ Pediatrics. Prior to this, Mr. Rogers was the Executive Director of the Child and Family Assessment and Treatment Centre of Brant County, Program Manager of Sarnia Lambton Centre for Children and Supervisor of William Roper Hull Home in Calgary, Alberta. He has also served as Chair of Clarke Road Secondary School Parent/School Council, Co-Chair of the Richmond Row Business Association and is a member of the Ontario Society of Adjudicators and Regulators. Mr. Rogers is the recipient of a Governor General of Canada Award for Community Service. Mr. Rogers holds a Master of Social Work Degree from the University of Calgary, a Diploma in Child Care from Fanshawe College, London, along with a Certificate in Management and Administration (Honours) from the Canadian Institute of Management in conjunction with the University of Western Ontario, Richard Ivey School of Business.

FRANCES SANDERSON

(December 2006 – December 2011)

Frances Sanderson was appointed as a part-time Board member in December 2006. Ms. Sanderson was reappointed in December 2008 for a three year term. Ms. Sanderson is currently the Executive Director at Nishnawbe Homes Inc. Prior to this, Ms. Sanderson was Vice President of Publicity and Advertising at Bowlerama Limited. Her community involvement includes serving on numerous boards and committees, including the Toronto Aboriginal Affairs Committee, the George Brown Aboriginal

Education Council, the Toronto Police Service Aboriginal Consultative Committee, the Chief's Advisory Committee and Charles O. Bick College.

SHEENA SCOTT

(May 2008 – May 2010)

Sheena Scott was appointed as part-time Board member in May 2008. Ms. Scott was Counsel for the Ontario Human Rights Commission for approximately a year and a half, following her five years as the Director of Legal Services at the African Canadian Legal Clinic. Ms. Scott also did policy and advocacy work for the Office of Child and Family Services Advocacy and was a Legal Consultant with UNICEF Canada. Ms. Scott spent 12 years as legal counsel for children and youth including four years as the Executive Director of Justice for Children and Youth. She received her Bachelor of Laws (LL.B.) from Dalhousie Law Society and was called to the Ontario Bar in 1988.

FIZUL SIMA

(December 2006 – December 2008)

Fizul Sima was appointed as a part-time Board member in December 2006. Mr. Sima is the Chair of the Long Term Strategy Committee for the National Council of Aboriginal Federal Employees and President of Local 0137 of the Public Service Alliance of Canada. Mr. Sima is a Civil Servant with the Government of Canada and holds a Bachelor of Arts from the University of Toronto, a Bachelor of Laws from the University of Saskatchewan and is working towards a Master of Business Administration. He has been the recipient of numerous awards and honours within North America for social justice causes.

DEBORAH SIMON

(October 2005 – October 2008)

Deborah Simon was appointed as a part-time Board member in October 2005. Ms. Simon is a Professional Speaker, Life Coach and Author working with young people and their families. Ms. Simon is an active member of the community and currently volunteers with several organizations involved in Adult Education including Facilitation Inclusion Program at St. Joseph's Immigrant Women's Centre.

WENDELL WHITE

(March 1999 – September 2012)

Wendell White was appointed as a part-time Board member in March 1999. Mr. White began his career as an elementary school teacher in Simcoe County followed by five years in the Northwest Territories (NWT). While teaching in the NWT, Mr. White was recognized by the Canadian Teachers' Federation for the creation of a Dene cultural program. The Government of the NWT recognized his educational work with a Dedicated Service Award. Mr. White has been the Director of Camping and Outdoor Education with a residential camping organization since 1981. He is the past chair of Loyalist College and in 2004 received his Masters of Law degree from Osgoode Hall Law School, York University, specializing in Alternative Dispute Resolution.

MARY WONG

(May 2007 – May 2009)

Mary Wong was appointed as a part-time Board member in May 2007. Ms. Wong retired from a 30 year teaching career and has held a position as Head of Co-operative Education. She holds a Bachelor of Arts Degree and a Master of Education Degree from the University of Toronto. Ms. Wong has worked extensively in extra-curricular activities in the area of student leadership and race relations.

Appendix

The following information provides a description of the various types of CFSRB and CRB applications under each *Act*:

Under the *Child and Family Services Act*, the Board may review:

A children's aid society decision to remove a Crown ward, where the child has resided continuously with the foster parent for two years or more pursuant to s.61;

A decision of a children's aid society to refuse an application to adopt a particular child or a decision of a society or licensee to remove a child from an adoption placement pursuant to s.144.

Under section 61 of the *Act*, a foster parent may apply to the Child and Family Services Review Board to request a review of a proposed decision of a children's aid society to remove a Crown ward, who has lived with the foster parent continuously for two years. The child or children subject to the proposed decision of the society remain(s) with the foster family during the proceedings, unless there is a risk that the child is likely to suffer harm.

Under section 144 of the Act, an individual may request a review of a children's aid society decision to refuse an application to adopt a particular child made by a foster parent or other person; or a children's aid society or adoption licensee decision to remove a child who has been placed with a person for adoption.

Under sections 61 and 144, applicants have 10 days after they have received written notice of the society's or licensee's decision to apply to the Board for a review of the decision. Hearings are conducted by a panel of three Board members. In order to understand the decision of the society, the Board hears the society's evidence first followed by the applicant's evidence in support of the application. The *Act* provides that if the child is native, a representative of the Band may be present at the hearing as a party.

The Board, after considering all of the evidence, determines which action is in the best interest of the child and based on its determination, rescinds or confirms the decision of the society. The Board's reasons for its decision are issued within 10 days of the completion of the hearing. The legislative time frames for both sections 61 and 144 are outlined on page 42.

10 Days

7 Days

20 Days

10 Days

Certain client complaints related to children's aid societies pursuant to s.68 and s.68.1.

The *Act* and the regulations have modified the internal complaints process of children's aid societies in Ontario. The new complaint process is now standardized throughout the province. Under the new regulations, each children's aid society shall establish an Internal Complaint Review Panel (ICRP) that will hear a complaint and issue a "written summary of the meeting" within 14 days of the meeting.

The Board has authority to review the ICRP process. It also has the authority to hear a complaint made directly to the Board or before the complaint process of the ICRP is completed.

An application can be brought to the Board if the individual believes the children's aid society:

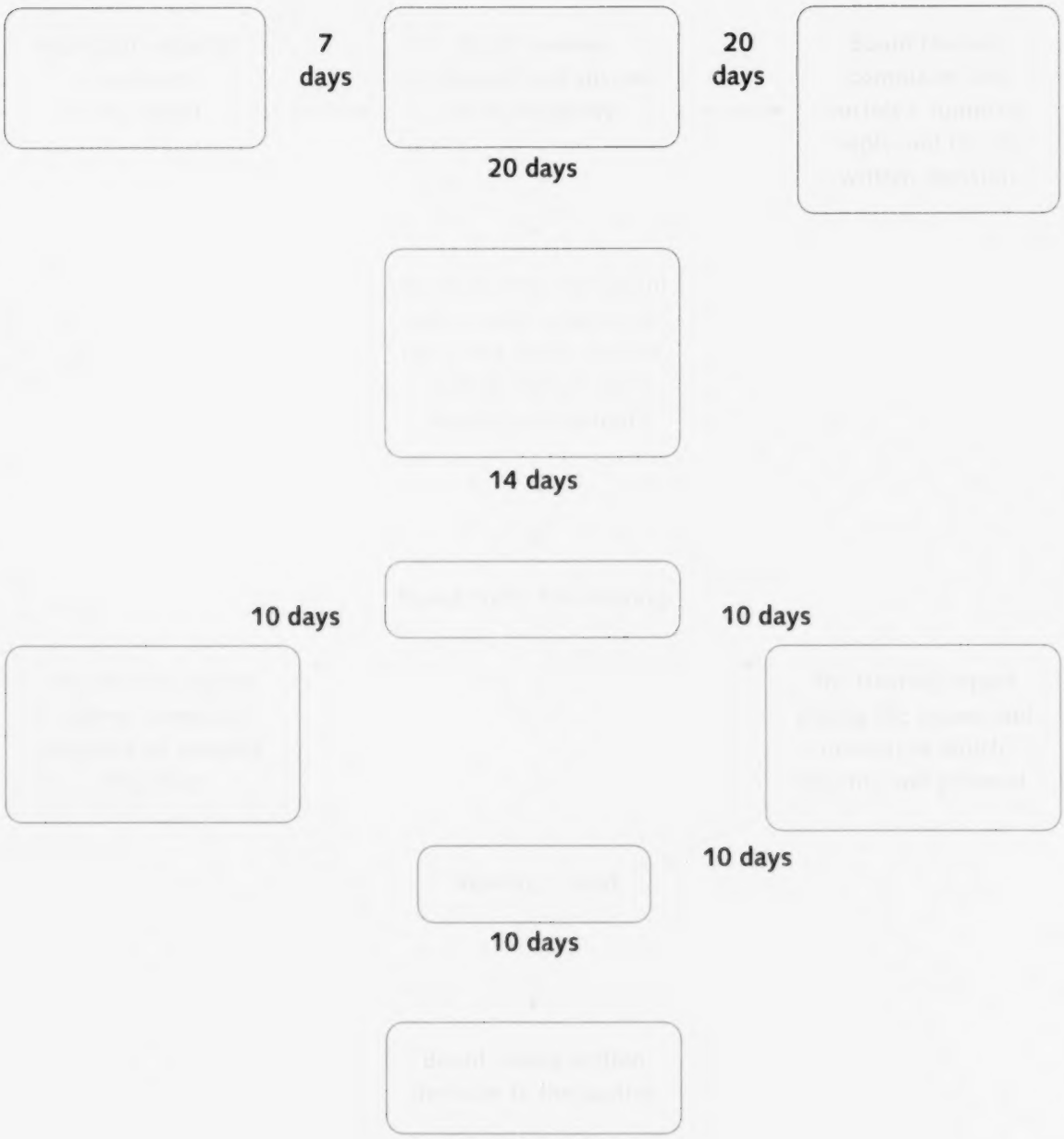
1. Has refused to proceed with his or her complaint;
2. Has failed to respond to his or her complaint within the timeframes required by regulation;
3. Has failed to comply with the complaint review procedure or with any other procedural requirement under the *Child and Family Services Act* relating to the review of complaints;
4. Has failed to comply with clause 2(2)(a) of the *Child and Family Services Act* which states: "Service providers shall ensure that children and their parents have an opportunity where appropriate to be heard and represented when decisions affecting their interests are made and to be heard when they have concerns about the services they are receiving";

5. Has failed to provide reasons for a decision that affects his or her interests;
6. Has inaccurately recorded something on his or her file or record and this has not been resolved through the children's aid society's internal complaint review procedure.

Under the legislative amendments for sections 68 and 68.1 applications, the Board is required to make an eligibility decision within seven days of receipt of the application. Considering the very short timeframe in which to make the eligibility decision, the Board determined that eligibility would be granted when it appears that the allegations fall within the six enumerated grounds. Once eligibility has been established, the Board will proceed to hear the application, including any jurisdictional arguments that might be made.

The Board does not have jurisdiction to hear an application when the matters raised by the applicant have been decided by the Court or are before the Court, and/or when the transitional provision applies. The *Act* provides that when a complaint has been made before the date of the proclamation of the *Act*, the old internal complaint review process applies. In the old complaint process there was no appeal or review of the society decision.

Hearings are conducted by a panel of three Board members. Pre-hearings are required for all section 68 and 68.1 applications. At this stage, part or all of the issues may be resolved. Motions on jurisdiction are heard at the beginning of the hearing by the panel assigned to the file. If the Board determines that it has jurisdiction, the application proceeds to a hearing on the merits. In the event that the Board finds that it has no jurisdiction, the application is dismissed.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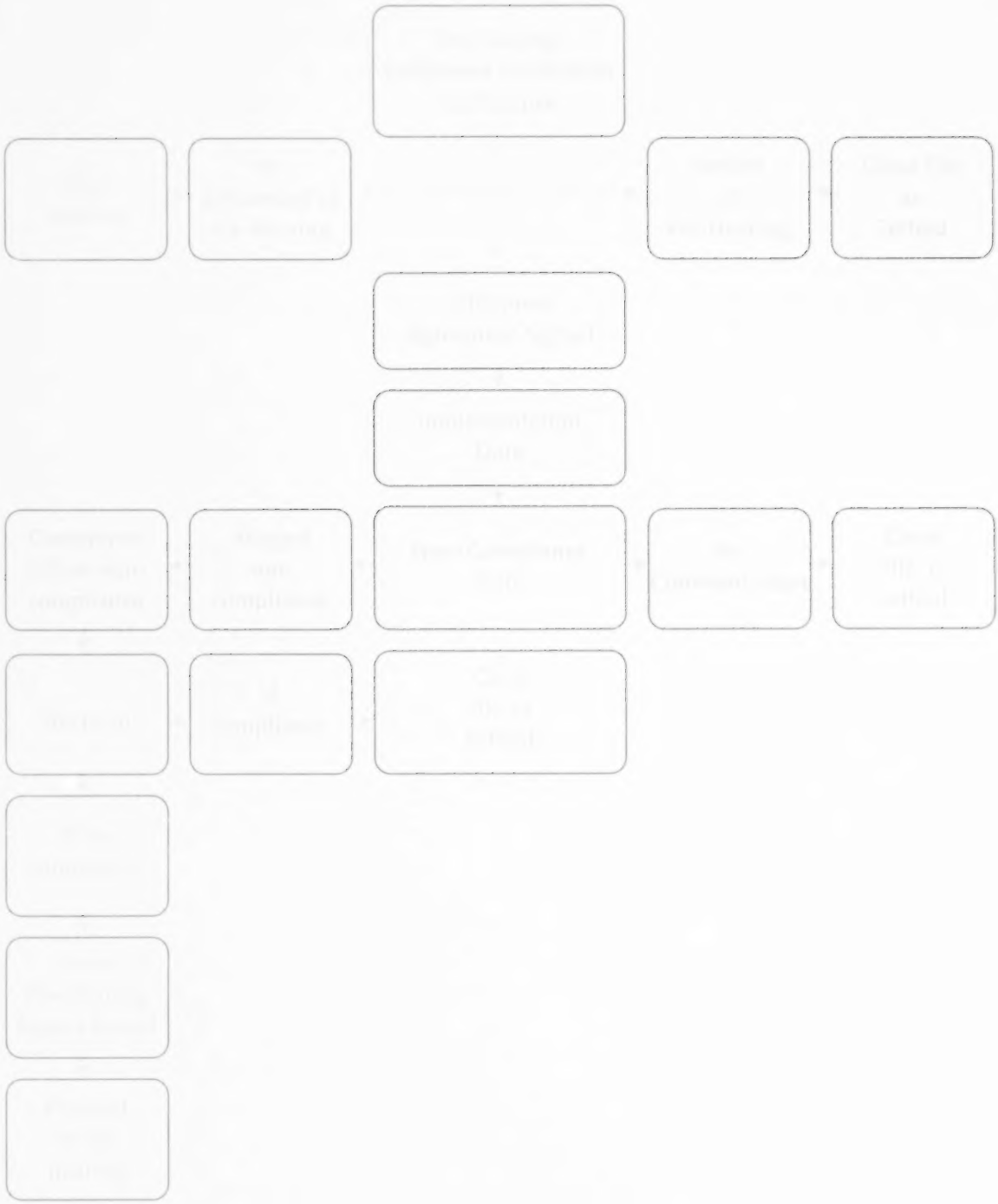

An emergency admission of a child to a secure treatment program pursuant to s.124 (ESTA).

When a child is admitted to a secure treatment facility for a period of up to 30 days pursuant to section 124 of the *Child and Family Services Act*, the administrator of the facility is required to notify the Office of Child and Family Service Advocacy and the Office of the Children's Lawyer of the admission. The Child Advocate's Office is required to ensure that the child is made aware of his or her right to apply to the Board to review the admission. If an application is submitted to the Board, the Office of the Children's Lawyer ensures that the child has legal counsel.

Any person, including the child, may make an application for an order to release the child from the secure treatment program. Counsel appointed to represent the child generally submits the application to the Board. Upon receipt of the application, the Board is required to hold a hearing within five calendar days, including weekends and statutory holidays.

A panel of three Board members will hear the application. The Board may hear testimony from the child, medical and social service professionals, facility staff, family members and any other relevant witnesses.

In order to keep a child in a secure treatment program, the Board members must be satisfied that:

1. The child has a mental disorder;
2. The child has, as a result of the mental disorder, caused, attempted to cause, or threatened to cause serious bodily harm to himself, herself or others;
3. The secure treatment program would be effective to prevent the child from causing or attempting to cause harm to himself, herself or others;
4. Treatment appropriate for the child's mental disorder is available at the place of secure treatment;
5. No less restrictive method of providing treatment appropriate for the child's mental disorder is appropriate in the circumstances.

At the conclusion of the hearing, the Board issues an order. Reasons for its decision are provided after the hearing. The Board's decisions are binding.

A Residential Placement Advisory Committee (RPAC) recommendation with respect to a child's residential placement pursuant to s.36.

A child of 12 years of age or older who is in a residential placement may ask the Board for a review of his or her placement when he or she is dissatisfied with the advisory committee's recommendations, or the advisory committee's recommendations were not followed.

Three Board members will conduct the hearing. The Board is required to inform the child within 10 days of receiving an application whether or not it intends to hold a hearing.

The Board may:

- Order that the child be transferred to another residential placement if the Board is satisfied that the other residential placement is available;
- Order the child to be discharged from the residential placement;
- Confirm the existing placement;
- Make recommendations about a placement.

A Director's decision to refuse to approve a proposed adoption placement, or to impose a term or condition on an approval, pursuant to s.142.

As the Board did not receive applications under this section, Board processes and procedures are not included.

Under the *Education Act*, the Board hears appeals of:

Expulsion of students by school boards pursuant to s.311.7 as of February 1, 2008:

The Child and Family Services Review Board hears appeals of school board imposed expulsions. The following persons are entitled to appeal:

- The student's parent or guardian, if the student is a minor;
- The student, if the student is not a minor;
- The student, if the student is 16 or 17 years old and has withdrawn from parental control.

The appellants are required to apply to the CFSRB in writing within 30 days from the date of the expulsion decision. Three Board members hear the appeal. The CFSRB is required to convene a hearing within 30 days of receiving written notice of appeal.

After hearing an appeal from a decision of a school board, the CFSRB may:

- Confirm the school board's decision;
- Overturn the expulsion decision and reinstate the pupil to the school, if the school board's decision was to expel the pupil from his or her school only;
- If the school board's decision was to expel the pupil from all schools of the school board;
  - (i) change the expulsion decision to an expulsion from the pupil's school only; or
  - (ii) overturn the expulsion and reinstate the pupil to his or her school;
- Order any record of the expulsion be removed or amended.

Once the hearing is completed the CFSRB is required to issue a decision within 10 days after a hearing.

Written reasons for the decision will be issued within 30 days of the hearing.

A Director's refusal to approve a person as eligible and suitable to adopt for the purpose of an intercountry adoption or the attachment of conditions to a Director's approval pursuant to s.5.

A Director's refusal to approve a proposed intercountry adoption or the attachment of conditions to a Director's approval pursuant to s.6.

As the Board received one ineligible application under section 6, Board processes and procedures are not included.

Custody Review Board (CRB)

Under s.52(1) of the *Ministry of Correctional Services Act*, the Board may review:

A Provincial Director's decision to hold a young person in or transfer the young person to a maximum security facility;

A decision about a particular placement where a young person is being held, or to which the young person has been transferred;

A Provincial Director's refusal to authorize a young person's temporary release or reintegration leave.

Under s.97(1) of the *Child and Family Services Act*, the Board may review:

A particular placement where a young person is being held or to which the young person has been transferred;

A Provincial Director's refusal to authorize the young person's temporary release or reintegration leave;

The young person's transfer from a place of open custody to a place of secure custody.

The Custody Review Board provides an independent review of placement decisions made by Provincial Directors for young persons in places of custody and detention.

When a young person enters a custody facility, a probation officer, youth worker, or staff member explains his or her rights to the youth, including the right to a review of a decision that deals with their custody placement. A young person can apply to the Board within 30 days of a Provincial Director's decision to place or transfer him or her to a facility or to refuse a reintegration leave request.

An application is completed by a Board case coordinator in a telephone conversation with the young person. Based on the information provided, the Board determines if an oral hearing is required or if the application can be assigned to a Board member for a review that is conducted through telephone interviews. The Board reviews all relevant material including the issues identified by the young person, while considering information and facts from facility staff, probation officers, advocates, family members or others as appropriate. After reviewing all relevant information, the Board makes a recommendation to the responsible Provincial Director. The Board's recommendations are not binding.

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